

FILED

AUG 14 2023

Name SAMUEL DEREK JACKSON
 Street Address 5601 NOLDER WAY
 City and County SACRAMENTO
 State and Zip Code CALIFORNIA 95822
 Telephone Number (936)553-7172

CLERK, U.S. DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
 BY [Signature]
 DEPUTY CLERK

sjnac1269@gmail.com

IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF CALIFORNIA

JACKSON, SAMUEL DEREK **PRO SE**

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

CYNTHIA ZIMMER

VELDA MURILLO

DARRELL WORTHY

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for a Civil Case

Case No. 2:23-cv-172 DAD AC (PS)
 (to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☒ No
 (check one)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>SAMUEL DEREK JACKSON</u>
Street Address	<u>5601 NOLDER WAY</u>
City and County	<u>SACRAMENTO</u>
State and Zip Code	<u>CALIFORNIA 95822</u>
Telephone Number	<u>(936)553-7172 sjnac1269@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>CYNTHIA ZIMMER</u>
Job or Title (if known)	<u>KERN COUNTY DISTRICT ATTORNEY</u>
Street Address	<u>1215 TRUXTON AVE 4TH FLOOR</u>
City and County	<u>BAKERSFIELD KERN COUNTY</u>
State and Zip Code	<u>CALIFORNIA 93301</u>
Telephone Number	<u>661-868-2340</u>

Defendant No. 2

Name	<u>VELDA MURRILO</u>
Job or Title (if known)	<u>SOCIAL WORKER</u>
Street Address	<u>7604 ANGELA AVE</u>
City and County	<u>BAKERSFIELD KERN COUNTY</u>
State and Zip Code	<u>CALIFORNIA 93308</u>
Telephone Number	<u>661-331-8483</u>

Defendant No. 3

Name	DARRELL WORTHY
Job or Title (if known)	JANITOR
Street Address	2005 FAITH AVE
City and County	BAKERSFIELD KERN COUNTY
State and Zip Code	CALIFORNIA 93304
Telephone Number	661-833-0934

Defendant No. 4

Name	
Job or Title (if known)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	

II. Basis for Jurisdiction

Federal Courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in Federal Court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same state as any plaintiff.

What is the basis for Federal Court jurisdiction? (*check all that apply*)

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

VIOLATIONS OF PLAINTIFF 5th, 6th & 14th Amendment rights

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) _____, is a citizen of the State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of the State of (name) _____. Or is a citizen of (foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____. Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed. ~~Defendant~~, SAMUEL DEREK JACKSON, by and thru ex parte requests a collateral review on claim of actual innocence challenging violations against his constitutional rights.

1) 14th Amend. due process; insufficient evidence by failure a) to testify to any physical or psychological abuse or any bodily harm, b) the forced confession and duress applied by the grandfather, d) manufactured evidence and e) alleged victims mother refuted. (42 U.S.C. sect. 1983)
2) 6th Amend. fair trial; the court abused its discretion in a) crediting all of the testimony for the prosecution including hearsay evidence and b) erred in the matter of law failing to credit any of the testimony for the defense, such as that of crucial corroborating eyewitness.
3) 5th Amend. miranda rights

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

(see attachments)

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: August 12, 2023.

Signature of Plaintiff

Samuel D. Jackson

Printed Name of Plaintiff

SAMUEL DEREK JACKSON PRO SE

IV. Relief

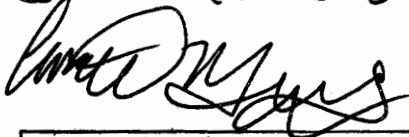
According to CA Penal Code sect. 4900-factual findings and credibility determinations established the court basis for granting writ of habeas corpus, motion for new trial or certificate of factual innocence (recanted testimony). The defendant is submitting the motion to challenge his wrongful conviction per PC§1473.7 and PC§1473.7(a)(2) by offering presentation of newly discovered evidence (see attachment). In the case of John Stoll his conviction was overturned based on the recanted statements. In recent years, 18 defendants have been released in cases out of Bakersfield and released after appeals court judges found errors, including prosecutorial misconduct and unreliable techniques during questionings. Superior Court Judge John Kelly based his issues on 1) whether law enforcement interview techniques resulted in unreliable testimony; 2) false testimony; and 3) tape recorded usage. By submitting this motion for new evidence as well as review of the previous transcript will assist in overturning my conviction. A movant claiming actual innocence must present new reliable evidence-whether it be exculpatory, scientific evidence, trustworthy eyewitness acts, or critical physical evidence that was not presented at trial. Schlup v Delo 513 U.S. 298, 324 (1995). The court will then consider all of the evidence and make a probabilistic determination about what reasonable properly instructed jurors would do. Id at 329. In Bousley v U.S., 523 U.S. 614, 623-24 (1998), the Supreme Court said that actual innocence is factual innocence. Bousley held that ..to establish actual innocence, petitioner must demonstrate that, in light of all evidence, it is more likely than not that no reasonable juror would have convicted him. McQuiggin v Perkins, 133 S.Ct. 1924, (2013). The actual innocence exception, in the court's view is a ..fundamental miscarriage of justice exception grounded in the equitable discretion of habeas courts to see that the federal constitutional errors did not result in the incarceration of innocent persons. In Crabtree v Butte County the Superior Ct. and DA's office (conducted) their own investigation and agreed the the conviction should be reversed due to false testimony and conceded the motion to vacate. Crabtree was granted compensation from the CA Victim Compensation Board for the 3,143 days confined due to wrongful conviction. Separately, Kern County agreed to pay \$5m for his wrongful prosecution, imprisonment and violation of his civil rights. Under CA Penal Code sect. 1473.7, the defendant in this cause similarly served a 14 1/2 years unjustly and loss his liberty.

In Sacramento, the Victim Compensation Board and Government Claims Board ..is supposed to see to it that wrongfully convicted defendants who are innocent receive..\$140 per day (amended 2016 by CALV.C.B) for each day spent behind bars.

To Whom it may Concern,

I Chandra Venessa Moore swear that The
Charges Brought Against Samuel D. Jackson
Involving me as A victim are false. I write this
Statement of Sound mind.

Chandra Moore

 July 5th 2023

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Santa Clara

Subscribed and sworn to (or affirmed) before me on
this 5 day of July, 2023 by Chandra Moore

proven to me on the basis of satisfactory evidence to
be the person(s) who appeared before me.



